

Appln. No. 10/734,766
Response to Office Action mailed March 7, 2006

R E M A R K S

The Examiner is respectfully requested to return a copy of Form PTO/SB/08A filed June 1, 2006 with the Examiner's initials in the left column next to the cited publication.

The amendment to claims 17 and 18 ("food cooked under heat") involves a feature set forth in claims 1 and 19.

The amendment to claim 20 involves only a change in dependency.

With respect of Rule 116, entry of the amendments is respectfully requested, since the amendments to claims 17 and 18 involve a feature that was set forth in the claims prior to the final rejection.

Claims 1, 3 to 13, 15 and 17 to 19 were withdrawn from consideration for the reasons set forth in the first two paragraphs on page 2 of the Office Action.

It was asserted in the Office Action that amended claims 1, 3 to 13, 15 and 17 to 19 set forth in the AMENDMENT UNDER 37 CFR 1.111 dated December 15, 2005 were directed to an invention that is independent or distinct from the invention originally claimed.

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Applicants respectfully disagree for the following reasons.

Prior to the AMENDMENT UNDER 37 CFR 1.111 dated December 15, 2005, claim 1 recited a method for preparing food comprising adding to food at least one water-soluble **poly-valent metallic compound**. In the aforesaid AMENDMENT UNDER 37 CFR 1.111, claim 1 was amended to recite a Markush group of specific poly-valent metallic compounds, namely calcium chloride, magnesium chloride and calcium oxide. The amendment to claim 1 in the aforesaid AMENDMENT UNDER 37 CFR 1.111 served to further define the **poly-valent metallic compound**, but did not result in an invention that was independent or distinct from the originally claimed invention.

The allegation on page 2, lines 4 to 6 of the Office Action that the original claims required ions selected from calcium, magnesium, aluminum, iron, copper and zinc to be in food without limiting to a specific salt is respectfully submitted to be a mischaracterization of the original claims. Original claims 1 and 2 recited a method of preparing food comprising adding to a food a **poly-valent metal compound** which is capable of allowing ions to be contained in food.

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In view of the above, it is respectfully submitted that if the two sets of claims were originally presented, they would not have been properly subjected to a restriction under 35 USC 121.

It is therefore respectfully submitted that claims 1, 3 to 13, 15 and 17 to 19 were erroneously withdrawn from consideration. Accordingly, examination of all the present pending claims is respectfully requested.

Claim 2 was rejected under 35 USC 112, second paragraph, for the reason set forth in the third paragraph on page 2 of the Office Action.

Claim 2 was canceled hereinabove. Thus, the 35 USC 112, second paragraph rejection is moot.

Claims 2, 16 and 20 were rejected under 35 USC 102 as being anticipated by Vadlamani et al. (USP 5,556,655) for the reasons beginning at the bottom of page 2 and continuing to the middle of page 3 of the Office Action.

The 35 USC 102 rejection is moot in view of the above amendments.

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Present Claims

Applicants' independent claims 1 and 15 recite water-soluble poly-valent compounds selected from the group consisting of calcium chloride, magnesium chloride and calcium oxide.

Contribution of the Present Claims to the Art

The present claims have provided a great "contribution to the art." At the time when the present application was filed, it was known that acrylamide is contained in a livestock feed cooked under heat, but a method of decreasing the acrylamide content using a water-soluble poly-valent metallic compound was not known. Also, for other kinds of food, a method of effectively decreasing the acrylamide content using a water-soluble poly-valent metallic compound was not known prior to the time when the present application was filed.

Acrylamide contained in food may pose a cancer risk (see Tareke et al., Chem. Res. Toxicol., 2000, 13, 517-522, a copy of which is of record).

In view of such a technical background, the inventors of the present application were the first to discover that acrylamide in a food can be effectively decreased by adding a specific water-

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soluble poly-valent metallic compound (namely, calcium chloride, magnesium chloride or calcium oxide) to a food (see page 2, line 22 to page 3, line 4 of the specification). Thus, the presently claimed invention is submitted to be an epoch-making new technology in that for the first time, the amount of acrylamide in a food product can be reduced by using a specific water-soluble poly-valent metallic compound, namely calcium chloride, magnesium chloride or calcium oxide.

Patentability of Applicants' Claims

Calcium chloride, magnesium chloride or calcium oxide, as recited in applicants' claims, exhibit a high acrylamide content decreasing effect, as evidenced in Examples 1, 5 and 8 of the present specification (see Table 1 on pages 39 and 40 of the present specification).

Therefore, it is respectfully submitted that a person of ordinary skill in the art would not arrive at the concept of using calcium chloride, magnesium chloride or calcium oxide, which are water-soluble and have a high acrylamide content decreasing effect, based on the prior art of record. In addition, it is respectfully submitted that a person of ordinary

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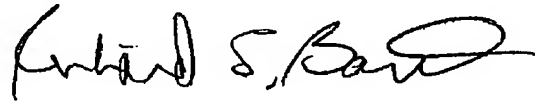
skill in the art would not be able to predict from the prior art of record the advantageous results of the present claims that the acrylamide content can be effectively decreased by the use of calcium chloride, magnesium chloride or calcium oxide.

Reconsideration is requested. Allowance is solicited.

If the Examiner has any comments, questions, objections or recommendations, the Examiner is invited to telephone the undersigned at the telephone number given below for prompt action.

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Respectfully submitted,



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